

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1-13 (*Canceled*):

14 (*Currently Amended*): An imaging apparatus comprising:

an image pickup element ~~device~~ having an imaging area in which a plurality of light receiving elements are two-dimensionally placed;

a zoom operation unit for a user to operate expansion or reduction of an image ~~an optical zoom device adapted to expand or reduce an image formed on a light receiving surface of said image pickup device;~~ and

a controller that controls to mix a first number of pixel signals in the image pickup element, which is output from the plurality of light receiving elements in a first area of the imaging area, in a case that a first magnification is set by said zoom operation unit, and to mix a second number of pixel signals in the image pickup element, which is output from the plurality of light receiving elements in a second area, which is smaller than the first area, of the imaging area, in a case that a second magnification, which is larger than the first magnification, is set by said zoom operation unit, wherein the second number is smaller than the first number having a first control mode adapted to output picture data by using a signal from a first area in the imaging area in a case that a first scaling factor is set by said optical zoom device, and a second control mode adapted to output the picture data by using a signal from a second area smaller than the first area in a case that a second scaling factor, which is larger than the first scaling factor, is set by said optical zoom device, executing control so that, in the first control mode, the picture data is output by mixing the signals of the plurality of light receiving elements, and in the second control mode, the picture data is output by unmixing the signals of the plurality of light receiving elements or by mixing the plurality of light receiving elements less than the number of mixed

~~pixels in the first control mode, thereby number of light receiving elements combined into a single pixel signal in the second control mode is less than number of light receiving elements combined into a single pixel signal in the first control mode,~~

~~wherein said controller controls to operate in the first control mode when zooming with said optical zoom device.~~

15-17 (*Canceled*):

18 (*Currently Amended*): A method of controlling an imaging apparatus comprising an image pickup element device having an imaging area in which a plurality of light receiving elements are two-dimensionally placed and a zoom operation unit for a user to operate expansion or reduction of image ~~an optical zoom device adapted to expand or reduce an image formed on a light receiving surface of said image pickup device,~~ said method comprising the step of:

Controlling to mix a first number of pixel signals in the image pickup element, which is output from the plurality of light receiving elements in a first area of the imaging area, in a case that a first magnification is set by said zoom operation unit, and to mix a second number of pixel signals in the image pickup element, which is output from the plurality of light receiving elements in a second area, which is smaller than the first area, of the imaging area, in a case that a second magnification, which is larger than the first magnification, is set by said zoom operation unit, wherein the second number is smaller than the first number ~~have a first control mode adapted to output picture data by using a signal from a first area in the imaging area in a case that a first scaling factor is set by said optical zoom device, and a second control mode adapted to output the picture data by using a signal from a second area smaller than the first area in a case that a second scaling factor, which is larger than the first scaling factor, is set by said optical zoom device, execute control so that, in the first control mode, the picture data is output by mixing the signals of the plurality of light receiving elements, and in the second control mode, the picture data is output by unmixing the signals of the plurality of light receiving elements or~~

~~by mixing the plurality of light receiving elements less than the number of mixed pixels in the first control mode, thereby number of light receiving elements combined into a single pixel signal in the second control mode is less than number of light receiving elements combined into a single pixel signal in the first control mode,~~

~~wherein said control step controls to operate in the first control mode when zooming with said optical zoom device.~~

19 (*New*): The apparatus according to claim 14, wherein said controller controls not to mix pixel signals in the image pickup element, which is output from the plurality of light receiving elements of the imaging area, in a case that a third magnification, which is larger than the second magnification, is set by said zoom operation unit.

20 (*New*): The method according to claim 18, said controlling step controls not to mix pixel signals in the image pickup element, which is output from the plurality of light receiving elements of the imaging area, in a case that a third magnification, which is larger than the second magnification, is set by said zoom operation unit.